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By: **Delegates Rosenberg, Hubbard, Nathan-Pulliam, Oaks, and Pendergrass**

Introduced and read first time: February 5, 2003

Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **Stem Cell Research -- Donation of Certain Tissue for Research Purposes**

3 FOR the purpose of declaring the public policy of the State that certain stem cell  
4 research be allowed and that full consideration of the ethical and medical  
5 implications be given; requiring certain stem cell research to be reviewed by an  
6 institutional review board; making it a misdemeanor to purchase or sell  
7 embryonic or cadaveric fetal tissue for research purposes; establishing a certain  
8 penalty; authorizing the donation of embryonic or cadaveric fetal tissue for  
9 research purposes; defining a certain term; and generally relating to biomedical  
10 research.

11 BY adding to

12 Article - Health - General

13 Section 20-801 to be under the new subtitle "Subtitle 8. Stem Cell Research";

14 and 20-901 to be under the new subtitle "Subtitle 9. Purchase or Sale of

15 Embryonic or Cadaveric Fetal Tissue"

16 Annotated Code of Maryland

17 (2000 Replacement Volume and 2002 Supplement)

18 **Preamble**

19 WHEREAS, An estimated 128 million Americans suffer from the crippling  
20 economic and psychological burden of chronic, degenerative, and acute diseases,  
21 including diabetes, Parkinson's disease, cancer, and Alzheimer's disease; and

22 WHEREAS, The costs of treatment and lost productivity of chronic,  
23 degenerative, and acute diseases in the United States constitutes hundreds of billions  
24 of dollars every year. Estimates of the economic costs of these diseases do not account  
25 for the extreme human loss and suffering associated with these conditions; and

26 WHEREAS, Stem cell research offers immense promise for developing new  
27 medical therapies for these debilitating diseases and a critical means to explore  
28 fundamental questions of biology. Stem cell research could lead to unprecedented

1 treatments and potential cures for diabetes, Alzheimer's disease, cancer, and other  
2 diseases; and

3 WHEREAS, The United States and the State of Maryland have historically  
4 fostered open scientific inquiry and technological innovation and this environment,  
5 coupled with the commitment of public and private resources, has made the United  
6 States the preeminent world leader in biomedicine and biotechnology; and

7 WHEREAS, Maryland's critical mass of biotechnology companies ranks it third  
8 in the nation. The biotechnology industry is a key component of the State's economy  
9 that provides employment in over 300 companies, a significant number of which are  
10 engaged in stem cell research. The University of Maryland, Baltimore and The Johns  
11 Hopkins University are also involved in stem cell research, with projects representing  
12 a combined total of over \$5 million in public and private funding. The State's  
13 favorable research climate would be significantly diminished by limitations imposed  
14 on stem cell research; and

15 WHEREAS, Stem cell research, including the use of embryonic stem cells for  
16 medical research, raises significant ethical and policy concerns that must be carefully  
17 considered; and

18 WHEREAS, Public policy on stem cell research must balance ethical and  
19 medical considerations. The policy must be based on an understanding of the science  
20 associated with stem cell research and grounded on a thorough consideration of the  
21 ethical concerns regarding this research. Public policy on stem cell research must be  
22 carefully crafted to ensure that researchers have the tools necessary to fulfill the  
23 promise of stem cell research; now, therefore,

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article - Health - General**

27 **SUBTITLE 8. STEM CELL RESEARCH.**

28 20-801.

29 (A) THE GENERAL ASSEMBLY DECLARES THAT IT IS THE POLICY OF THE  
30 STATE THAT RESEARCH INVOLVING THE DERIVATION AND USE OF HUMAN  
31 EMBRYONIC STEM CELLS, HUMAN EMBRYONIC GERM CELLS, AND HUMAN ADULT  
32 STEM CELLS FROM ANY SOURCE, INCLUDING SOMATIC CELL NUCLEAR  
33 TRANSPLANTATION, SHALL BE ALLOWED AND THAT FULL CONSIDERATION SHALL  
34 BE GIVEN TO THE ETHICAL AND MEDICAL IMPLICATIONS OF THIS RESEARCH.

35 (B) RESEARCH INVOLVING THE DERIVATION AND USE OF HUMAN  
36 EMBRYONIC STEM CELLS, HUMAN EMBRYONIC GERM CELLS, AND HUMAN ADULT  
37 STEM CELLS FROM ANY SOURCE, INCLUDING SOMATIC CELL NUCLEAR  
38 TRANSPLANTATION, SHALL BE REVIEWED BY AN INSTITUTIONAL REVIEW BOARD.

1                   SUBTITLE 9. PURCHASE OR SALE OF EMBRYONIC OR CADAVERIC FETAL TISSUE.

2 20-901.

3       (A)       IN THIS SECTION, "VALUABLE CONSIDERATION" DOES NOT INCLUDE  
4 REASONABLE PAYMENT FOR REMOVAL, PROCESSING, DISPOSAL, PRESERVATION,  
5 QUALITY CONTROL, STORAGE, TRANSPLANTATION, OR IMPLANTATION.

6       (B)       A PERSON MAY NOT KNOWINGLY, FOR VALUABLE CONSIDERATION,  
7 PURCHASE OR SELL EMBRYONIC OR CADAVERIC FETAL TISSUE FOR RESEARCH  
8 PURPOSES.

9       (C)       EMBRYONIC OR CADAVERIC FETAL TISSUE MAY BE DONATED FOR  
10 RESEARCH PURPOSES.

11       (D)       A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
12 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.

13       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2003.